THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No: 16364 of 2005

Between:

G. Kameswari.

..... PETITIONER

AND

The Station House Officer and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No: 16364 of 2005

ORDER:

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Heard Sri V.S.R.Anjaneyulu, learned counsel for the petitioner and the learned

Government Pleader appearing on behalf of the 1st respondent. Though notice was served on the 2nd respondent by the learned counsel for the petitioner and proof of service is filed into the court, none appears for the 2nd respondent.

It is the case of the petitioner that she filed the suit O.S.No.4106 of 2004 on the file of the Principal Junior Civil Judge, Vijayawada, to grant a decree and judgment in her favour directing the defendant (2nd respondent in the writ petition) to vacate the suit schedule property, deliver vacant possession of the same and for recovery of damages for use and occupation @ Rs.4,500/- per month from 22-12-2004 till possession was delivered. It is stated that along with the suit, the petitioner filed I.A.No.18 of 2005 seeking temporary injunction restraining the respondents from making any structural alterations in the plaint schedule property, besides directing the 2nd respondent not to induct third parties in the plaint schedule property pending disposal of the suit. It is further stated that the Principal Junior Civil Judge, Vijayawada, had passed an order dated 19-01-2005 ordering the application in I.A.No.18 of 2005 since the 2nd respondent had not filed counter. Petitioner contends that despite having received a copy of the order of the Principal Junior Civil Judge, Vijayawada, the 2nd respondent has not removed the sign board and is trying to induct third parties changing the name of the Tea stall. It is stated that the petitioner filed a police complaint before the 1st respondent on 19-01-2005 which is said to have been acknowledged by the Vijayawada City Police, Commissionerate, vide receipt No.44143, dated 19-01-2005. In the said complaint, the petitioner represented that the 2nd respondent is trying to alter the construction with the help of unsocial elements and was trying to lease the property to third parties in violation of law.

Learned counsel for the petitioner submits that despite an order passed by the civil court, in I.A.No.18 of 2005 in O.S.No.4106 of 4106 of 2004, dated 19-01-2005, and inspite of the petitioner having submitted a complaint on 19-01-2005 to the 1st respondent, no action has been taken to implement the order passed by the Principal Junior Civil Judge, Vijayawada.

Learned counsel would submit that the said order passed in I.A.No.18 of 2005 dated 19-01-2005 remains in force, even till date. Learned counsel places reliance on the judgment of this Court in ***SATYANARAYANA*** v. ***STATION HOUSE OFFICER, POLICE STATION, SANTHOSHNAGAR***, wherein the Division Bench of this Court held that police authorities are bound to give assistance to ensure that injunction orders passed by the civil court is effectively enforced and implemented.

Learned counsel would submit that despite this court having held that the police authorities are required to implement the orders of the civil court, no action has been taken on the petitioner's representation dated 19-01-2005.

On a perusal of the representation submitted by the petitioner to the Station House Officer, I Town Police Station, Vijayawada, it is noticed that the said representation does not make any reference to the order of the civil court.

Sri V.S.R.Anjaneyulu, learned counsel for the petitioner submits that the petitioner shall make a detailed representation, enclosing a copy of the order of the Principal Junior Civil Judge, Vijayawada, in I.A.No.18 of 2005 in O.S.No.4106 of 2004, dated 19-01-2005, within one week from the date of receipt of a copy of this order and that direction be issued to the police authorities to ensure that the said order is implemented in accordance with the judgment of this court in ***SATYANARAYANA's***

case (supra).

There shall a direction to the respondents to examine the representation of the petitioner and take all necessary steps pursuant thereto, in accordance with law, as expeditiously as possible, not later than one month from the date of receipt of a copy of such representation.

The writ petition is accordingly disposed of. No order as to costs.

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22-08-2005

Note:

Issue C.C. in two days

(B/o)

Prv